

**THE UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION**

**IN RE:**

**RESENDIZ CONCRETE INC.**

**DEBTOR**

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**CASE NO. 01-45051-R  
CHAPTER 7**

**TRUSTEE'S  
FINAL REPORT AND PROPOSED DISTRIBUTION**

LINDA S. PAYNE, trustee of the estate of the above-named Debtor(s), certifies under penalty of perjury, to the Court and the United States Trustee, that the trustee has faithfully and properly fulfilled the duties of her office and that the trustee has examined all proofs of claims as appropriate under the proposed distribution, and that the proposed distribution, attached hereto, is proper, and consistent with the law and rules of court. The Trustee applies for the commissions and expenses set forth herein and states that they are reasonable and proper.

I hereby authorize the Office of the United States Trustee to file by electronic means this Trustee's Final Report, Application for Compensation and Report of Proposed Distribution on my behalf, and I agree and acknowledge that the designation of my signature on this document once filed, constitutes my valid signature for the purposes of 11 U.S.C. § 704(9) and Fed.R.Bankr.Pro.9011.

Therefore, the Trustee requests that the Final Report, Application for Compensation and Report of Proposed Distribution be approved.

Date: December 4, 2004

/s/ Linda Payne  
Linda Payne, Trustee

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION**

**IN RE:**

**RESENDIZ CONCRETE, INC.**

**DEBTOR**

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**CASE NO. 01-45051-R  
CHAPTER 7**

**TRUSTEE'S FINAL REPORT AND APPLICATION TO CLOSE CASE AND  
DISCHARGE TRUSTEE**

The Trustee of the estate presents the following final report:

1. The Trustee applies for commissions and expenses set forth in Schedule A and states: That they are reasonable and proper; that in the course of the performance of duties, the Trustee has advanced moneys from personal funds for expenses, and the Trustee has not been reimbursed.
2. The Trustee submits Form I as a summary of the assets and an estate property record. Any property scheduled under 11 U.S.C. Sec. 521(1) and not administered shall be deemed abandoned pursuant to 11 U.S.C. Sec. 554 (c).
3. The Trustee has reduced all assets of this estate to cash or otherwise lawfully disposed of them and the estate is ready to be closed.
4. The Trustee submits Form II as the account of estate cash receipts and disbursements.
5. There is no agreement or understanding between the Trustee and any other person for a division of the compensation sought by this application except as permitted by the Bankruptcy Code.
6. The Trustee requests approval of this final report.
7. The trustee has examined each and every claim filed and noted her approval of claims as filed, or she has filed objections to allowance or requests for reclassification.
8. The Trustee further requests that after final distribution of all moneys in accordance with the Trustee's Report of Final Distribution, and upon filing of a Supplemental Final Report and Account and certification by the U. S. Trustee the trustee be discharged from office and that the case be closed.

I declare under penalty of perjury that this Report and attached Schedules are true and correct to the best of my knowledge and belief.

Dated: December 4, 2004

/s/ Linda Payne  
Linda Payne, Trustee

## SCHEDULE A-1

FINAL ACCOUNT AS OF: 12/4/04

<b>A: Receipts</b>	<b>\$20,842.75</b>
<b>B. Disbursements</b>	
1. Secured Creditors-----	
2. Administrative-----	3,335.21
3. Priority-----	
4. Other-----	
Total disbursements-----	
<b>C. Current Balance</b>	<b>\$17,507.54</b>

# Form 1

Page: 1

## Individual Estate Property Record and Report

### Asset Cases

Case Number: 01-45051 BTR  
Case Name: RESENDIZ CONCRETE, INC.  
DBA RESENDIZ CONCRETE INC  
Period Ending: 12/04/04

Trustee: (631540) LINDA S. PAYNE  
Filed (f) or Converted (c): 12/05/01 (f)  
\$341(a) Meeting Date: 01/14/02  
Claims Bar Date: 04/18/02

1	2	3	4	5	6	
Ref. #	Asset Description (Scheduled And Unscheduled (u) Property)	Petition/ Unscheduled Values	Estimated Net Value (Value Determined By Trustee, Less Liens, Exemptions, and Other Costs)	Property Abandoned OA=\$554(a) abandon. DA=\$554(c) abandon.	Sale/Funds Received by the Estate	Asset Fully Administered (FA)/ Gross Value of Remaining Assets
1	Cash	50.00	50.00	DA	0.00	FA
2	Checking account Money garnished. Hired attorney to pursue.	24,500.00	24,500.00		20,823.71	FA
3	Accounts receivable Most will not be collectible because the work was not finished and they are from 2000 & 2001. Attempting to collect. Sent out letters to all parties. None were collectible - none of the jobs were finished.	70,000.00	5,000.00		0.00	FA
4	Office equipment Not worth picking up	50.00	0.00	DA	0.00	FA
5	Machinery & tools Not worth picking up	550.00	200.00		0.00	0.00
Int	INTEREST (u)	Unknown	N/A		19.04	Unknown

6 Assets Totals (Excluding unknown values) \$95,150.00 \$29,750.00 \$20,842.75 \$0.00

# Form 1

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## Individual Estate Property Record and Report

### Asset Cases

Case Number: 01-45051 BTR  
Case Name: RESENDIZ CONCRETE, INC.  
DBA RESENDIZ CONCRETE INC  
Period Ending: 12/04/04

Trustee: (631540) LINDA S. PAYNE  
Filed (f) or Converted (c): 12/05/01 (f)  
\$341(a) Meeting Date: 01/14/02  
Claims Bar Date: 04/18/02

1	2	3	4	5	6
Asset Description (Scheduled And Unscheduled (u) Property)	Pettion/ Unscheduled Values	Estimated Net Value (Value Determined By Trustee, Less Liens, Exemptions, and Other Costs)	Property Abandoned OA=\$554(a) abandon. DA=\$554(c) abandon.	Sale/Funds Received by the Estate	Asset Fully Administered (FA)/ Gross Value of Remaining Assets
Ref. #					

### Major Activities Affecting Case Closing:

Attorney filed suit on preference.

Initial Projected Date Of Final Report (TFR): December 1, 2003

Current Projected Date Of Final Report (TFR): December 1, 2004

## Form 2

Page: 1

## Cash Receipts And Disbursements Record

Case Number: 01-45051 BTR  
Case Name: RESENDIZ CONCRETE, INC.  
DBA RESENDIZ CONCRETE INC  
Taxpayer ID #: 75-2795266  
Period Ending: 12/04/04

Trustee: LINDA S. PAYNE (631540)  
Bank Name: JPMORGAN CHASE BANK  
Account: \*\*\*-\*\*\*\*20-65 - Money Market Account  
Blanket Bond: \$300,000.00 (per case limit)  
Separate Bond: N/A

1 Trans. Date	2 {Ref #} / Check #	3 Paid To / Received From	4 Description of Transaction	5 T-Code	6 Receipts \$	7 Disbursements \$	8 Money Market Account Balance
06/02/04	{2}	Bank of America	Garnished funds	1141-000	20,823.71		20,823.71
06/30/04	Int	JPMORGAN CHASE BANK	Interest posting at 0.1500%	1270-000	2.31		20,826.02
07/30/04	Int	JPMORGAN CHASE BANK	Interest posting at 0.1500%	1270-000	2.65		20,828.67
08/31/04	Int	JPMORGAN CHASE BANK	Interest posting at 0.2000%	1270-000	3.25		20,831.92
09/30/04	Int	JPMORGAN CHASE BANK	Interest posting at 0.2000%	1270-000	3.42		20,835.34
10/05/04	1001	BILL PAYNE	Court approved attorney fees	3210-000		3,250.00	17,585.34
10/05/04	1002	BILL PAYNE	Court approved attorney expenses	3220-000		85.21	17,500.13
10/29/04	Int	JPMORGAN CHASE BANK	Interest posting at 0.2500%	1270-000	3.21		17,503.34
11/30/04	Int	JPMORGAN CHASE BANK	Interest posting at 0.2500%	1270-000	3.60		17,506.94
12/04/04	Int	JPMORGAN CHASE BANK	Current Interest Rate is 0.2500%	1270-000	0.60		17,507.54
12/04/04		To Account #*****2066	Final Report	9999-000		17,507.54	0.00

## ACCOUNT TOTALS

Less: Bank Transfers

Subtotal

Less: Payments to Debtors

NET Receipts / Disbursements

20,842.75	20,842.75	\$0.00
0.00	17,507.54	
20,842.75	3,335.21	
	0.00	
\$20,842.75	\$3,335.21	

# Form 2

Page: 2

## Cash Receipts And Disbursements Record

Case Number: 01-45051 BTR  
Case Name: RESENDIZ CONCRETE, INC.  
DBA RESENDIZ CONCRETE INC  
Taxpayer ID #: 75-2795266  
Period Ending: 12/04/04

Trustee: LINDA S. PAYNE (631540)  
Bank Name: JPMORGAN CHASE BANK  
Account: \*\*\*-\*\*\*\*\*20-66 - Checking Account  
Blanket Bond: \$300,000.00 (per case limit)  
Separate Bond: N/A

1 Trans. Date	2 {Ref #} / Check #	3 Paid To / Received From	4 Description of Transaction	5 Receipts \$	6 Disbursements \$	7 Checking Account Balance
12/04/04		From Account #*****2065	Final Report	9989-0001	17,507.54	17,507.54

**ACCOUNT TOTALS**  
Less: Bank Transfers 17,507.54 0.00 \$17,507.54  
Subtotal 0.00 0.00  
Less: Payments to Debtors 0.00  
**NET Receipts / Disbursements \$0.00 \$0.00**

**TOTAL - ALL ACCOUNTS**

	Net Receipts	Net Disbursements	Account Balances
MMA # ***-*****20-65	20,842.75	3,335.21	0.00
Checking # ***-*****20-66	0.00	0.00	17,507.54
	<b>\$20,842.75</b>	<b>\$3,335.21</b>	<b>\$17,507.54</b>

**Trustee's Compensation****Debtor: RESENDIZ CONCRETE, INC.****Case: 01-45051****Computation of Compensation**

Total disbursements to other than the debtor are: 20,842.75

Pursuant to 11 U.S.C. 326, compensation is computed as follows:

25% of First \$5,000	5,000.00 =	1,250.00
10% of Next \$45,000	15,842.75 =	1,584.28
5% of Next \$950,000	0.00 =	0.00
3% of Balance	0.00 =	0.00

**Calculated Total Compensation:** **\$2,834.28**

Plus Adjustment: 0.00

**Total Compensation:** **\$2,834.28**

Less Previously Paid: 0.00

**Total Compensation Requested:** **\$2,834.28**

**Trustee Expenses**

Premium on Trustee's Bond		0.00
Travel	0.0 miles at 0.0 cents per mile	0.00
Copies	118 copies at 25.0 cents per copy	29.50
Postage		36.39
Telephone Charges		0.00
Clerical / Secretarial	3.50 hours at 20.00 dollars per hour	70.00
Paralegal Assistance	0.00 hours at 0.00 dollars per hour	0.00
Supplies / Stationery		0.00
Distribution Expenses		0.00
Professional Expenses		0.00
Other Expenses		0.00
Other Expenses 2		0.00

**Subtotal Expenses:** **\$135.89**

Plus Adjustment: 0.00

**Total Expenses:** **\$135.89**

Less Previously Paid: 0.00

**Total Expenses Requested:** **\$135.89**

The undersigned Trustee certifies under penalty of perjury that the foregoing is true and correct to the best of his/her knowledge and requests the United States Trustee to approve this report and accounts and requests the Court to provide for notice and opportunity for a hearing under 11 U.S.C. 330(a), 502(b), and 503(b) and to thereafter award final compensation or reimbursement of expenses and to make final allowance for the purposes of distribution to claims, administrative expenses, and other payments stated in this report and account.

WHEREFORE, the Trustee requests that this application be approved by this Court and that the Trustee be granted an allowance of \$2,834.28 as compensation and \$135.89 for reimbursement of expenses. The Trustee further states that no payments have been made or promised to him/her for services rendered or to be rendered in any capacity in this case. No agreement or understanding exists between applicant and any other person for sharing compensation received or to be received.

Dated: 12/04/04

Signed: 

LINDA S. PAYNE

100 NORTH MAIN ST.

PARIS, TX 75460



**Exhibit "A"****Period: 01/01/00 - 12/04/04****Trustee: LINDA S. PAYNE (631540)****Case Number:** 01-45051**Case Name:** RESENDIZ CONCRETE, INC.**Case Type:** Assets**Judge:** Brenda T. Rhoades**Petition Date:** 12/05/01**341a Meeting:** 03/18/02 16:00**Category: CLERICAL**

<u>Date</u>	<u>Description</u>	<u>Hours/Unit</u>	<u>Rate</u>	<u>Total</u>
09/02/04	Prepare and mail Motion and Notice to Pay Attorney for Estate	3.50	\$20.000	\$70.00
<b>Total for category CLERICAL:</b>		<b>3.50</b>		<b>\$70.00</b>

**Category: COPIES**

<u>Date</u>	<u>Description</u>	<u>Hours/Unit</u>	<u>Rate</u>	<u>Total</u>
02/08/02	Hire Attorney	5.00	\$0.250	\$1.25
09/02/04	Notice of Application to Pay Attorney	89.00	\$0.250	\$22.25
12/04/04	Supplemental Final Report	4.00	\$0.250	\$1.00
12/04/04	Final Report	20.00	\$0.250	\$5.00
<b>Total for category COPIES:</b>		<b>118.00</b>		<b>\$29.50</b>

**Category: POSTAGE**

<u>Date</u>	<u>Description</u>	<u>Hours/Unit</u>	<u>Rate</u>	<u>Total</u>
09/02/04	Notice of Application to Pay Attorney	75.00	\$0.370	\$27.75
12/04/04	Mail distribution checks	2.00	\$0.370	\$0.74
12/04/04	Mail Supplemental report and checks to UST	1.00	\$3.950	\$3.95
12/04/04	Mail bank statements to UST	1.00	\$3.950	\$3.95
<b>Total for category POSTAGE:</b>		<b>79.00</b>		<b>\$36.39</b>

**Total for case 01-45051: \$135.89****Grand Total: \$135.89**

**SCHEDULE C**  
**EXPENSES OF ADMINISTRATION**

	AMOUNT CLAIMED	AMOUNT PAID	AMOUNT DUE
1. 11 U.S.C. Sec 507(a)(1) <u>Court Cost and Fees</u>			
A. Notice & Claim Fees \$			
B. Adv. filing fees	150.00	0	150.00
C. Quarterly Chapt 11			
2. 11 U.S.C. Sec 503(b)(1)(a) <u>Preservation of estate</u>			
A. Transportation			
B. Storage			
C. Wages			
D. Estates share FICA			
E. Insurance			
F. Other (itemize)			
G. Chapt 11 Trade Airborne Express			
3. 11 U.S.C. Sec.503(b)(2) <u>Post-Petition Taxes</u> <u>and related penalties</u>			
4. 11 U.S.C. Sec.503(b)(2) <u>Compensation and</u> <u>Reimbursement</u>			
A. Trustee Fees	2,834.28	0	2,834.28
B. Trustee Expenses	135.89	0	135.89
C. Attorney to Trustee (#47 on docket)	3,250.00	3,250.00	0
D. Expenses for Attorney To Trustee	85.21	85.21	0
E. Attorney for Debtor			
F. Auctioneer Fees			
G. Auctioneer Expenses			
5. Other (Itemize)			
 TOTAL-----	 6,455.38	 3,335.21	 3,120.17

**SCHEDULE D**

**SECURED CLAIMS**

Claim #	Claimant	Amount Claimed	Amount Not Determined	Amount Allowed	Previously Paid	Amount Due
2	First Natl Bank Sachse	4,633.15	0	0	0	0

Total approved Secured Claims \$ 0

## SCHEDULE E

### PRIORITY CLAIMS OTHER THAN ADMINISTRATIVE EXPENSES IN THE FOLLOWING ORDER OF PRIORITY

	(1) Claim No.	(2) Amt. Claimed	(3) Amt. Allowed	(4) Amt. Paid	(5) Amt. Due
1. For Credit Extended §364(e)(1)					
2. Claims from failure of adequate protection §307 (a)(b)					
3. "Gap Claims" §507 (a)(2)					
4. Wages, etc. §507 (a)(3)					
5. Contributions to benefit plans §507 (a)(4)					
6. Engaged in raising of grain or fisherman §507 (a)(5)					
7. Consumer deposits §507 (a)(6)					
8. Alimony or child support §507 (a)(7)					
9. Taxes §507 (a)(8)					
Wylie ISD	6	163.94	163.94	0	163.94
IRS	8	64,849.15	64,849.15	0	64,849.15
IRS	10	40,000.00	0	0	0

TOTAL ALLOWED PRIORITY CLAIMS: \$ \$65,013.09

TIMELY FILED ALLOWED UNSECURED CLAIMS TOTAL:38,402.12

/s/ Linda S. Payne  
Linda S. Payne, Trustee

## Claims Distribution Register

Case: 01-45051 RESENDIZ CONCRETE, INC.

Claim #	Date	Pri	Claimant / Proof / <Category> / Memo	Amount Filed	Amount Allowed	Paid to Date	Claim Balance	Proposed Payment
<b>Secured Claims:</b>								
2	01/28/02	100	First Ntl Bank Sachse 908875001 6600 Murphy Rd. Sachse, TX 75048 <4210-00 Pers. Prop. & Intangibles--Consensual Liens (UCC, chattel, PMSI)> Unsecured	4,633.15	0.00	0.00	0.00	0.00
Priority 100: 0% Paid								

## Admin Ch. 7 Claims:

12/05/01	200	BILL PAYNE 100 NORTH MAIN STREET PARIS, TX 75460 <3210-00 Attorney for Trustee Fees (Other Firm)>	3,250.00	3,250.00	3,250.00	0.00	0.00
12/05/01	200	Atty expenses Bill Payne 100 NORTH MAIN STREET PARIS, TX 75460 <3220-00 Attorney for Trustee Expenses (Other Firm)>	85.21	85.21	85.21	0.00	0.00
12/05/01	200	LINDA S. PAYNE 100 NORTH MAIN ST. PARIS, TX 75460 <2200-00 Trustee Expenses>	135.89	135.89	0.00	135.89	135.89
12/05/01	200	LINDA S. PAYNE 100 NORTH MAIN ST. PARIS, TX 75460 <2100-00 Trustee Compensation>	2,834.28	2,834.28	0.00	2,834.28	2,834.28
12/05/01	200	CLERK, U. S. BANKRUPTCY COURT 660 N. CENTRAL EXPRESSWAY FIRST INTERSTATE BK BLDG 300 PLANO, TX 75074 <2700-00 Clerk of the Court Costs (includes adversary and other filing fees)>	150.00	150.00	0.00	150.00	150.00
Total for Priority 200: 100% Paid			\$6,455.38	\$6,455.38	\$3,335.21	\$3,120.17	\$3,120.17
Total for Admin Ch. 7 Claims:			\$6,455.38	\$6,455.38	\$3,335.21	\$3,120.17	\$3,120.17

## Priority Claims:

6	03/15/02	570	Wyllie ISD c/o Michael Reed 5929 Balcones Dr., Ste 200 P.O. Box 26990 Austin, TX 78755 <5800-00 Claims of Governmental Units--§ 507(a)(8)> Secured	163.94	163.94	0.00	163.94	36.28
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## Claims Distribution Register

Case: 01-45051 RESENDIZ CONCRETE, INC.

Claim #	Date	Pri	Claimant / Proof / <Category> / Memo	Amount Filed	Amount Allowed	Paid to Date	Claim Balance	Proposed Payment
8	04/29/02	570	Internal Revenue Service 55 North Robinson Stop 5025 OKC Oklahoma City, OK 73102 <5800-00 Claims of Governmental Units--§ 507(a)(8)> Unsecured	64,849.15	64,849.15	0.00	64,849.15	14,351.09
10	12/05/01	570	INTERNAL REVENUE SERVICE 1100 COMMERCE STREET, RM 9A20 STOP 5026 DAL DALLAS, TX 75242 <5800-00 Claims of Governmental Units--§ 507(a)(8)>	40,000.00	0.00	0.00	0.00	0.00
Total for Priority 570: 22.12996% Paid				\$105,013.09	\$65,013.09	\$0.00	\$65,013.09	\$14,387.37
Total for Priority Claims:				\$105,013.09	\$65,013.09	\$0.00	\$65,013.09	\$14,387.37

## Unsecured Claims:

1	01/17/02	610	Nations Rent P. O. Box 7878 Ft. Worth, Tx 76111 <7100-00 General Unsecured § 726(a)(2)> Unsecured	325.42	325.42	0.00	325.42	0.00
3	02/19/02	610	American Express Centurion Bank c/o Becket & Lee LLP P. O. Box 3001 Malvern, PA 19355-0701 <7100-00 General Unsecured § 726(a)(2)> Unsecured	4,133.05	4,133.05	0.00	4,133.05	0.00
4	02/19/02	610	American Express Travel Related Becket & Lee LLP P. O. Box 3001 Malvern, PA 19355-0701 <7100-00 General Unsecured § 726(a)(2)> Unsecured	8,774.28	8,774.28	0.00	8,774.28	0.00
5	02/20/02	610	Kwik Check Food Stores P O Box 220 Bonham, TX 75418 <7100-00 General Unsecured § 726(a)(2)> Unsecured	3,909.92	3,909.92	0.00	3,909.92	0.00
7	03/25/02	610	Bank of America NA Michael J. Durrschmidt 700 Louisiana, 25th Floor Houston, TX 77002-2728 <7100-00 General Unsecured § 726(a)(2)> Secured	4,000.00	0.00	0.00	0.00	0.00
9	12/05/01	610	Farris Concrete c/o Robert Miller 1244 Harwood Rd, Ste 200 Bedford, TX 76021 <7100-00 General Unsecured § 726(a)(2)>	21,259.45	21,259.45	0.00	21,259.45	0.00
Total for Priority 610: 0% Paid				\$42,402.12	\$38,402.12	\$0.00	\$38,402.12	\$0.00

**Claims Distribution Register****Case: 01-45051 RESENDIZ CONCRETE, INC.**

/ Memo

Total for Unsecured Claims:	\$42,402.12	\$38,402.12	\$0.00	\$38,402.12	\$0.00
Total for Case :	\$158,503.74	\$109,870.59	\$3,335.21	\$106,535.38	\$17,507.54